

# PROCLAMATION

BY THE

**Governor of the State of Texas**

41-772

REPRODUCED FROM THE  
HOLDINGS OF THE  
TEXAS STATE ARCHIVES

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I am vetoing and filing with the Secretary of State, House Bill Number 82 of the Regular Session, Fifty-sixth Legislature, relating to the admissibility in evidence of certain official records. As originally introduced, certain well intended changes would have been made in Article 3731a, Vernon's Civil Statutes. However, an amendment adopted provides in Section 5 that Articles 3731a and 3731b shall not be applicable in the trial of criminal cases, thus completely changing the original scope of the bill.

Article 3731a provides for the introduction in evidence of official written statements, certificates, records, returns, reports, and copies thereof. Article 3731b relates to the admissibility of photographic or photostatic copies of business and official records. Since the passage of Articles 3731a and 3731b, there has been increasing use of them in the trial of criminal cases, particularly those trials of habitual offenders, second offense drunk-driving, driving without license, and driving while license suspended.

Section 5 of House Bill Number 82 will seriously interfere with proof of prior convictions in criminal trials for the purpose of establishing that the defendant is a "peater." Through use of Article 3731a, fingerprint records and other records pertaining to the identity of the person previously convicted can now be introduced in evidence, and the identity of the person on trial with the person formerly convicted can be established by the testimony of any expert witness. If House Bill Number 82 becomes law, identity would have to be proved by the testimony of a witness who had personal knowledge of the prior criminal proceedings and who was available and able to testify from personal knowledge that the person convicted therein was the same as the present defendant.

A review of the records of the Driver and Vehicle Records Division, Texas Department of Public Safety, reveals that in the past twelve months a total of 692 certifications have been made for use in criminal cases. If House Bill Number 82 becomes law, the Department's records custodian would be required to appear personally in such cases, otherwise prosecution would be rendered impossible. The General Manager of the Department of Corrections estimates 26 additional employees would be

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required for court appearances. If records of court proceedings from other jurisdictions or distant points are necessary, the State would be required to bear the expense for personal appearances of such witnesses or be precluded from effective prosecution of persons subject to such charges.

Consequently, veto of the measure is not only indicated but demanded.



IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this 1st day of June, A. D., 1959.

*Price Daniel*

Governor of Texas

By the Governor

*Price Daniel*  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
11:45 P.M. O'CLOCK

JUN 1 - 1959

*Price Daniel*  
Secretary of State

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